



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
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ENVIRONMENTAL  
PROTECTION AGENCY

MAY 11 1997

MONTANA OFFICE

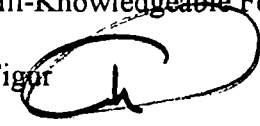
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May Apply

May 15, 1997

**MEMORANDUM**

To: HQ Bevill-Knowledgeable Folks  
From: Chuck Figor   
Subject: Bevill Related Questions on Wastestreams at Asarco's Lead Smelter  
in East Helena, Montana

Attached is a set of questions related to various wastestreams generated and/or managed at Asarco's lead smelter in East Helena, Montana. Peter Moore suggested that I put them together prior to a meeting he is scheduling for the first week of June. The Asarco litigation team appreciates your input on these issues and your attendance at these meetings. The decisions made at that meeting will significantly impact the course of our litigation of the RCRA issues at that plant.

I apologize for not perfecting the questions, but felt it was more important to get them to you so that you can get an understanding of the Region's concerns and needs as early as possible before the meeting. I also hope that I have not left out any major wastestreams.

Once again, thanks for your attention to these issues. Please feel free to contact me at (303) 312-6915 if you have any questions. The technical lead for RCRA enforcement at the East Helena facility is Susan Zazzali. If you have any questions for her, she can be reached at (406) 441-1130 x226, upon her return to the office next Wednesday.

Copy: Susan Zazzali, 8MO  
Peter Moore  
Andy Hudock  
Mike Goodstein, DOJ  
Steve Sisk, NEIC

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ATTACHMENT TO MEMO DATED MAY 15, 1997

QUESTIONS TO BE USED (AT LEAST IN PART) TO DEVELOP CONCLUSIONS  
ON THE REGULATORY STATUS OF CERTAIN WASTE STREAMS

May 15, 1997

General Question(s): What documents or other evidence provide the basis for answers to each of the following questions?

What statutory or regulatory citations, federal register ("FR") preamble, guidance or other documents, are relied on, and can be cited to support the answers to each of the following questions?

I. ACID PLANT BLOWDOWN ("APB")

- A. What are all of the process(es) and/or unit(s) which comprise an "acid plant" at a primary lead smelting facility?
1. What goes into each process and/or unit?
  2. What comes out of each process and/or unit? Where does it go? Which of these are APB?
  3. Are there any other places at a primary lead smelter where APB is, may be, or may have been generated? If yes:
    - a. Name the specific unit/process, and any larger system it may be a part of. If it is part of a larger system, describe the system.
    - b. Describe what goes into and comes out of such unit/process.
- B. What is the Agency's understanding of the character of each APB wastestream generally (liquid, semi-solid, sludge; pH; other characteristics, including constituents)?
- C. Is the acid plant a pollution control device ("PCD")? (See 54 FR 15327, 2nd col.; and EPA's brief in Solite which says metallurgical acid plants produce sulfuric acid as a by-product of the smelter's air pollution control system (citing to 49 FR 8748).)

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1. If acid plants are PCD's, which unit(s) receive inputs which are "pollution"?
  2. Are any inputs mineral beneficiation or processing wastes? Were they at any earlier time? Were they ever, and are they now, excluded from subtitle C under the federal scheme?
  3. Is the acid plant (PCD) "beneficiating", or "processing" the inputs? Which unit(s)?
  4. Is APB an "aqueous waste stream" ("AWS") from the PCD? (If APB is not an AWS from a PCD, what is it?)
  5. Are all, or some of the acid plant outputs "sludge" (40 C.F.R. § 260.10)?
- D. Is APB from acid plants at lead smelters "uniquely associated"? (as meant in the 1980 preamble)? How?
1. The 10/20/88 FR (table 3) does not list APB from primary lead smelters, but does list copper and zinc smelters. ("Therefore, EPA believes that it has correctly and unambiguously identified the wastes that were of concern to Congress when it enacted the Bevill amendment, and has, at the same time, presented explicit criteria that will enable members of the regulated community and the public to evaluate whether any additional wastes should be added to the list in Table 3 for the continued regulatory exclusion and study provided by the Bevill amendment.") The 4/17/89 and 9/1/89 FRs do.<sup>1</sup> We appear to have become convinced that APB from primary lead smelters was uniquely associated during this time period. (Survey and related documents? Anything else?)
    - a. Explain the difference between acid plants at lead smelters and other acid plants, such as those treating molten sulfur.
- E. Assuming, for the moment, that APB was Bevill excluded and still is because of the status of the authorized State program: what is the Bevill status of the outputs resulting from the treatment, or other management, of APB?
1. Does it matter when the treatment units or processes began to be used?

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<sup>1</sup>. "Wastes proposed for withdrawal from the Bevill Exclusion . . . 2. Acid plant blowdown from primary lead processing". (4/17 FR p. 15342) Fails low hazard. Category "wastes for which current data support a proposed exclusion decision." References Appendix 1.

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2. Does it matter whether successive units, or processes, manage the stream(s)?  
Does it matter what happens in those units?

II. PLANT WATER

*— not same as plant water*

- A. The 9/25/89 FR states “Process wastewater is generated at many points in the smelting and refining of lead, and, for purposes of this rule, includes waters generated by slag or space granulation, contact cooling, and at some plants, neutralized acid plant blowdown effluent. This waste stream does not, however, include wastewaters from upstream beneficiation operations such as sintering. Industry sources have indicated that solids are settled out and the water is reused.”

1. Which plants? We must find out so that we can do an accurate analysis of exempted process water and potentially non-exempt wastewaters added.  
*all 5 Pb smelters*
2. What is “neutralized acid plant blowdown effluent”? Is this the effluent from the unit in which neutralizing of APB is done? Is “effluent” separate from sludges and other wastes?
3. Why is APB a separate wastestream from process wastewater, but neutralized APB effluent is not? (“[D]istinctions . . . are appropriate based on the available information concerning the waste characteristics and points of generation in the process.” 1/23/90 FR (55 FR 2322 p.??)) (Solite says okay to separate APB from process wastewater.)
5. What regulatory difference would it make if process wastewater included wastewater from sintering?
  - a. Same question for wastestreams from “managed” sinter wastewater.
  - b. Has the answer to these questions changed over time?
4. Why would neutralized APB effluent be uniquely associated if other generators of acidic wastes neutralize their wastestreams too?

**DRAFT**

Cupels - not uniquely associated - Did not look at ~~Mat~~ Spent or Byproduct.

Blasting Caps & Blasting wire -

- Regulatory status

CRTs -

Circuit Boards -

Sweeps

What do they do with Spent Catalyst?

Stamped drawings for every plant waste flow diagram

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6. Did industry tell us that the solids that were settled out are what we meant to cover with our K065 listing? Did industry tell us (again) that they recycled (smelted) 100% of these solids?<sup>2</sup>
  7. Did industry tell us that the water was "reused" at at least one facility by trucking it all over the facility and spraying it around for dust suppression, etc.?
- B. The dreaded mixture rule question (sorry!). But at least we can assume that all hazardous wastes in these questions are characteristic.
1. From January 1, 1992 through the present, what is the regulatory status of a mixture of process water with characteristic waste in an authorized state that has not been authorized for any Bevill processing waste rules?
    - a. Does it matter whether the characteristics in the hazardous waste is/are the same as the constituents we would find in the process water; does it matter whether they're above or below TC?
    - b. What about the mixing of multiple characteristic wastestreams with process wastewater?

III. VARIOUS REFRACTORY BRICK

- A. How did furnace brick (for copper, lead, etc.) get on Table 1 for the 4/17, 1989, FR (p. 15343)? Was it "nominated"? Did it get in from the Survey? *Put on table in error. Brick appeared on responses to surveys.*
- B. Did EPA ever explain in a preamble why brick was not mentioned in September 1, 1989 rule (Table 2, p. 36631)?
- C. How did furnace brick (phosphorous and lead, but not copper) get on table in Exhibit 1 of discussion of LDRs for ex-Bevills in October 24, 1991, FR preamble (p. 55184).
- D. Is the analysis in the May 11, 1994, letter to Mr. Sygo (Michigan DNR) from Mike Shapiro (9441.1994(11)), and in the memo dated April 12, 1996, from Richard Kinch, to

*All the rules  
are proposed rules*

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<sup>2</sup>. Now that we have withdrawn the K065 listing one generator of such waste has told us that it is no longer feasible to smelt ("recycle") the sludges. In fact, they want us to designate a CAMU for their most recent batch of "ex-K065" (generated during a CERCLA clean-up pursuant to a ROD (as of now the ROD requires smelting)) and for other plant soils.

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Mr. Tuma (Michigan DEQ) the analysis for all refractory brick? Are there any other letters, memos, public writings to that effect (especially earlier)?

1. How are we addressing the Nebraska interpretation?

IV. GENERAL

- A. Have we identified individual hazardous wastes which are generated at "primary lead smelters" which were never Bevill? In what document(s)?
- B. Hypotheticals: A facility adds (1) 42 tons of hazardous waste (manifested to the facility as such); or (2) large amounts of characteristic refractory brick, to the feedstock of its primary lead smelter.
  1. Is the otherwise Bevill-excluded slag generated during the smelting of either of these of hazardous waste(s) Subtitle C hazardous?
  2. If the slag from the smelting of that hazardous waste is now hazardous waste, and it is added to the giant otherwise Bevill-excluded slag pile, and cannot be found and/or segregated, is the entire slag pile hazardous?

**DRAFT**